

### **REMARKS / ARGUMENTS**

Claims 1-8, 10-13, 15-20 and 25-27 were pending in the above-captioned patent application at the time of the present Office Action. The Office Action rejects claims 1-5, 7, 8 and 10-12. Claims 6 and 13 are objected to but would be allowable if rewritten in independent form. Claims 15-20 and 25-27 are allowed. In response to the rejections and objections, applicant amends claims 1, 4, 5, 8, and 10. Each specific ground of rejection is addressed below.

#### **Rejections Under 35 U.S.C. §102**

Claims 1-5, 7, 8 and 10-12 have been rejected under 35 U.S.C. §102(b) as being anticipated by McNichol, Jr. et al. It is respectfully submitted that amended claims 1, 8, and 10 traverse the instant ground of rejection by reciting at least one limitation not disclosed in McNichol, Jr. et al. In particular amended claims 1, 8, and 10 each require a seat which is attachable to a contoured motorcycle chassis and which is configured to conform to contours of the motorcycle chassis. McNichol, Jr. et al. contains no such teaching or suggestion of either claim limitation.

McNichol, Jr. et al. teaches a seat (42) attachable to a bicycle chassis (14), (16), (24), not a motorcycle chassis. Even if, for the sake of argument, the bicycle chassis (14), (16), (24) is deemed the equivalent of a motorcycle chassis, the seat (42) is not configured to conform to the contours of the bicycle chassis (14), (16), (24). The seat (42) is mounted on a base (32). The base (32) is a separate structure distinct from the bicycle chassis (14), (16), (24) and engages the bicycle chassis (14), (16), (24) at only two points (20), (30). The reference numbers provided in parenthesis above designate specific structural components of the embodiment of McNichol, Jr. et al. shown in Figures 1 and 2. Thus, neither the seat (42) nor the base (32) is configured to conform to the contours of the bicycle chassis (14), (16), (24). Claims 2-5, 7, 11, and 12 are likewise allowable as depending directly or indirectly on allowable claims 1, 8, and 10.

It is respectfully submitted that amended claims 1, 8, and 10 further traverse the

instant ground of rejection by reciting additional limitations not disclosed in McNichol, Jr. et al. In particular, amended claims 1, 8, and 10 of the instant application all recite a seat (14) and a backrest assembly (16) including a support arm (46) and a back bar (50). The reference numbers provided in parenthesis above designate specific structural components of the embodiment shown in Figures 1 and 2 of the instant application. The backrest assembly (16) has a first selective operational position characterized by an essentially vertical orientation as shown in Figure 1 and a second selective operational position characterized by an essentially horizontal orientation as shown in Figure 2.

The seat includes a rear side (44) and a front side (38). The backrest assembly includes a support arm (46) having a pivot end (52) and a free end (54). The pivot end (52) rotatably engages the seat (14) proximal the rear side (44) and distal the front side (38), while the free end (54) engages the back bar (50) which includes a bottom face (82) and a top face (80). Amended claims 1, 8, and 10 all require positioning the bottom face (82) of the back bar (50) adjacent the front side (38) of the seat (14) when the backrest assembly (16) is in the horizontal position.

McNichol, Jr. et al. discloses structural components analogous to those of applicant's claim 1 recited above, namely, a seat (42), and a backrest assembly (44) including a support arm (76) and a back bar (94). Like applicant's claim 1, the backrest assembly (44) of McNichol, Jr. et al. has a first (vertical) position shown in Figure 2 and a second (horizontal) position shown in Figure 1.

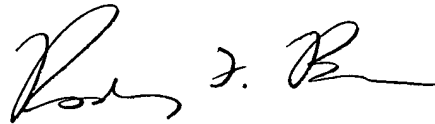
However, McNichol, Jr. et al. does not disclose positioning any face of the back bar (94) adjacent the front side of the seat (42) (i.e., the side of the seat (42) distal the pivot end (52) of the support arm (46)) when the backrest assembly (44) is in the horizontal position. Instead, McNichol, Jr. et al. positions the back bar (94) adjacent the rear side of the seat (42) (i.e., the side of the seat (42) proximal the pivot end (52) of the support arm (46)) when the backrest assembly (44) is in either the horizontal or vertical position.

Application No. 10/600,897  
Amendment dated April 18, 2006  
Reply to Office Action of January 18, 2006

### **Conclusion**

In conclusion, applicant respectfully asserts that all pending claims 1-8, 10-13, 15-20 and 25-27 in the instant patent application are allowable for the reasons set forth above. Accordingly, an early notice of allowance is earnestly solicited. The Examiner is requested to call the undersigned at (858) 272-8705 for any reason that would advance the instant application to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney F. Brown", written in a cursive style.

Rodney F. Brown  
Attorney for Applicant  
Registration No. 30,450

3365 Baltimore Street  
San Diego, California 92117  
Telephone: (858) 272-8705

RFB:020P0101E